

107TH CONGRESS
1ST SESSION

H. R. 2984

To amend the Immigration and Nationality Act to ensure that aliens provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act are counted, for purposes of determining whether the numerical limitation on the provision of such status has been reached, in a manner that is accurate, fair, and takes into account only those aliens who actually commence employment as such a nonimmigrant.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to ensure that aliens provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act are counted, for purposes of determining whether the numerical limitation on the provision of such status has been reached, in a manner that is accurate, fair, and takes into account only those aliens who actually commence employment as such a nonimmigrant.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ENSURING THAT NUMERICAL LIMITATION**
2 **COMPUTATION ACCURATELY REFLECTS**
3 **NUMBER OF H-1B NONIMMIGRANTS EM-**
4 **PLOYED.**

5 (a) IN GENERAL.—Section 214(g) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1184(g)) is amended
7 by adding at the end the following:

8 “(8) ENSURING THAT NUMERICAL LIMITATION
9 COMPUTATION ACCURATELY REFLECTS NUMBER OF
10 H-1B NONIMMIGRANTS EMPLOYED.—

11 “(A) IN GENERAL.—The Attorney General
12 shall take such steps as may be necessary to en-
13 sure that all numerical limitations applicable to
14 the issuance of visas, or the provision of non-
15 immigrant status, under section
16 101(a)(15)(H)(i)(b) are applied in a manner
17 that—

18 “(i) accurately reflects the actual
19 number of aliens who commence employ-
20 ment in the United States as such a non-
21 immigrant in each fiscal year; and

22 “(ii) does not count against any such
23 numerical limitation—

24 “(I) any visa issued to an alien
25 based on a petition filed by an em-
26 ployer that is not used by the alien as

1 the basis for admission into the
2 United States and commencement of
3 employment with such employer with-
4 in a reasonable period of time subse-
5 quent to its issuance any visa (includ-
6 ing any visa in excess of one, in cases
7 in which multiple visas are issued to a
8 single alien based on petitions filed by
9 multiple prospective employers and
10 the alien accepts employment with
11 only one of those employers);

12 “(II) any change of non-
13 immigrant classification or status au-
14 thorized for an alien based on a peti-
15 tion filed by an employer that is not
16 used by the alien to commence em-
17 ployment with such employer within a
18 reasonable period of time subsequent
19 to such authorization (including any
20 authorization in excess of one, in
21 cases in which multiple authorizations
22 are provided to a single alien based on
23 petitions filed by multiple prospective
24 employers and the alien accepts em-

1 employment with only one of those em-
2 ployers); and

3 “(III) any visa (or authorization
4 to change nonimmigrant classification
5 or status) in excess of one, in cases in
6 which multiple visas (or authoriza-
7 tions) are issued to a single alien in
8 order to permit employment with
9 more than one employer in the United
10 States during identical or concurrent
11 periods of time.

12 “(B) CANCELLATION OF CONCURRENT
13 VISAS UPON ENTRY INTO UNITED STATES.—
14 Pursuant to subparagraph (A), the Attorney
15 General shall take such steps as may be nec-
16 essary to ensure that when an alien is admitted
17 into the United States based on a visa accord-
18 ing status as nonimmigrant described in section
19 101(a)(15)(H)(i)(b), any unused visa according
20 such nonimmigrant status that has been issued
21 to the alien is canceled for purposes of com-
22 puting any numerical limitation applicable to
23 the provision of nonimmigrant status under
24 such section.

1 “(C) USE OF VISAS AND OTHER AUTHOR-
2 IZATIONS WITHIN A REASONABLE PERIOD OF
3 TIME.—Pursuant to subparagraph (A), the At-
4 torney General shall promulgate regulations es-
5 tablishing the precise durations of the periods
6 of time described in clauses (I) and (II) of such
7 subparagraph. The Attorney General shall by
8 regulation provide for the cancellation of any
9 visa or authorization described in such clauses
10 that is not used by an alien to commence em-
11 ployment before the termination of the period of
12 time determined by the Attorney General to be
13 reasonable in the case of that visa or authoriza-
14 tion. All such cancellations shall be taken into
15 account in implementing subparagraph (A).

16 “(D) COORDINATION.—The heads of all
17 other Federal agencies with regulatory author-
18 ity with respect to aliens who may be provided
19 nonimmigrant status under section
20 101(a)(15)(H)(i)(b) or employers who may peti-
21 tion under subsection (c) with respect to such
22 aliens, including the Secretary of State and the
23 Secretary of Labor, shall coordinate and cooper-
24 ate with the Attorney General in order to en-

1 sure that this paragraph is implemented as effi-
2 ciently and effectively as possible.”.

3 (b) CONFORMING AMENDMENT.—Section 214(g)(7)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1184(g)(7)) is amended by striking the second sentence.

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